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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-62. Air Pollution Control Regulations and Standards

Preamble:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 61, 63, 70, 72, and 96 throughout each calendar year. Recent Federal amendments include clarification, guidance and technical amendments regarding Standards Of Performance For New Stationary Sources, National Emission Standards For Hazardous Air Pollutants, and National Emission Standards for Hazardous Air Pollutants For Source Categories. Among the revisions being proposed are amendments to R. 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards (NSPS), R. 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP), R. 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, R. 61-62.70, Title V Operating Permit Program, R. 61-62.72, Acid Rain, and R. 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program General Provisions, to incorporate recent Federal amendments promulgated during the period from January 1, 2007, through December 31, 2007. The Department also proposes to amend R. 61-62.1, Definitions and General Requirements, to incorporate amendments to the definition of Volatile Organic Compounds (VOCs) promulgated by the EPA on January 18, 2007; R. 61-62.5, Standard No. 2, Ambient Air Quality Standards, to respectively adopt the Federal change in the National Ambient Air Quality Standard (NAAQS) for the 24-hour primary standard for fine particulate matter (PM_{2.5}); make corrections to Standard No. 5 - Volatile Organic Compounds; and make regulation citation corrections to R. 61-62.5, Standard No. 3, Waste Combustion and Reduction, R. 61-62.5, Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI), and R. 61-62.70, Title V Operating Permit Program.

The proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, are necessary to maintain consistency with Federal rules and make typographical corrections and clarifications to R.61-62 as necessary. Pursuant to S.C. Code Section, 1-23-120(G)(1), the proposed amendments will not require legislative review.

Two Notices of Drafting for these proposed changes were published in the State Register on March 28, 2008, and April 25, 2008. Notice of the Department's intent to draft these regulations was also published on the DHEC Regulatory Internet site in its DHEC Regulation Development Update. No comments were received. Since this amendment is consistent with Federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Discussion of Proposed Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

R. 61-62.1, Section I.94

Add "HFE-7300" to the definition of Volatile Organic Compounds.

R. 61-62.5, Std. No. 2

Amend Table to reflect changes in PM_{2.5} 24-hour standard.

R. 61-62.5, Std. No. 3, Section VI.D.3
Change regulation citation.

R. 61-62.5, Std. No. 3.1, Section VIII(k)
Change regulation citation.

R. 61-62.5, Std. No. 5, Section II.Part Q.2.a.(i)(a)(b)
Correct previous omissions.

R. 61-62.60
Tables in Subparts A, B, D, Da, Db, Dc, BB, VV, and GGG are amended to incorporate revisions.

R. 61-62.60
Subparts VVa and GGGa are added.

R. 61-62.61
Table in Subpart A is amended to incorporate revisions.

R.61-62.63
Tables in subparts A, E, T, HH, II, YY, DDDD, IIII and PPPP are amended to incorporate revisions.

R. 61-62.63.40(f)(2), (f)(3), (f)(4) and (f)(5)
Change regulation citation in Subpart B.

R. 61-62.63.41(n), (o), (p), (q), (r), and (s)
Add the definition of “organic HAP” and re-order corresponding sections in Subpart B.

R. 61-62.63
Subparts UUUUU, VVVVV, WWWWW, XXXXX, YYYYY, ZZZZZ, AAAAAA, BBBBBB, CCCCCC, DDDDDD, EEEEE, FFFFF, GGGGGG, HHHHHH, IIIII, JJJJJ, KKKKKK, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, and TTTTTT are added.

R. 61-62.70.2(r)(2)(xx)
Revise the definition of “chemical process plants.”

R. 61-62.70.7(d)(3)(iii)
Change regulation citation.

R. 61-62.72
Table in Subpart B is amended to incorporate revisions.

R. 61-62.96
Tables in Subparts AA, AAA, AAAA are amended to incorporate revisions.

R. 61-62.96.153(c)
Add text to clarify the process of recording CAIR NO_x allocations in Subpart FF.

R. 61-62.96.302

Add the definition of “Commence commercial operation” and correct/clarify the definitions of “Commence operation” (a), and “Fossil-fuel-fired” (b)(1) in Subpart AAAA.

R. 61-62.96.342(e)(2)

Add “s” in text in Subpart EEEE.

R. 61-62.96.353(c)

Add text to clarify the process of recording CAIR NO_x allocations in Subpart FFFF.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the South Carolina Department of Health and Environmental Control invites interested members of the public to attend a staff-conducted informational forum to be held on July 28, 2008 at 10:00 a.m. in room 2380 at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to answer questions, clarify any issues, and receive comments from interested persons on the proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards. Please use the Bull Street entrance.

Interested persons are also provided an opportunity to submit written comments to Maeve S. R. Mason at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on July 28, 2008, the close of the public comment period.

Comments received at the forum and/or during the public comment period by the deadline requested above will be considered in formulating the final proposed regulation for public hearing before the Board as noticed below.

Public comments received during the comment period above noticed shall be submitted to the Board of Health and Environmental Control in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Maeve S. R. Mason at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-2230. A copy may also be obtained on the Department’s Regulatory Information Internet Site at <http://www.scdhec.gov/administration/regs/> in its DHEC Regulation Development Update. To access this document, click on the Air category, then scan down for this proposed amendment.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to comment on the proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards at a public hearing to be conducted by the Board of the South Carolina Department of Health and Environmental Control at its regularly-scheduled meeting on October 9, 2008. The public hearing is to be held in room 3420 (Board Room) of the Commissioner’s Suite, third floor, Aycock Building of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board’s agenda to be published by the Department twenty-four hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation to the Clerk of the Board for inclusion into the record of the public hearing.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina State Implementation Plan.

Purpose of Regulation: These amendments will maintain conformity with Federal requirements and ensure compliance with Federal standards.

Legal Authority: The legal authority for Regulation 61-62, Air Pollution Control Regulations and Standards, is S.C. Code Section 48-1-10 et seq.

Plan for Implementation: The proposed amendments will take effect upon approval and adoption by the South Carolina Board of Health and Environmental Control and publication in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Each year the United States Environmental Protection Agency (EPA) promulgates amendments to Federal regulations to include clarification, guidance and technical amendments. States are mandated by law to adopt these federal amendments. These amendments are reasonable as they promote consistency and ensure compliance with both State and Federal regulations.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions as a result of these amendments. The standards to be adopted are already effective and applicable to the regulated community as a matter of Federal law. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

EPA has provided the estimated costs and benefits for these standards in the Federal Register notices that are cited within this document.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in Federal law through the proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina State Implementation Plan will provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

While there is no specific detrimental effect on the environment and public health, the State's authority to implement Federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page:
<http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.